

# TECHNICAL MEMORANDUM

## Utah Coal Regulatory Program

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January 12, 2012

TO: Internal File

THRU: Daron Haddock, Permit Supervisor *10074*

FROM: Joe Helfrich, Wildlife Biologist *Jeh*

RE: Assessment Conference for NOV 10092, Alton Coal Development Company, Coal Hollow Mine Name, # C0250005, WG 3987

### SUMMARY:

The purpose of this memo is to provide members in attendance of the assessment conference background and technical information regarding the circumstances that led to the issuance of notice of violation N10092.

### CHRONOLOGY:

Date	Transaction
10/01/2009	DOGM staff biologist met with representatives from Alton Coal Development, (ACD), at the Alton town hall to finalize the details of a comprehensive wildlife protection and enhancement plan. At the end of the day both parties agree on a plan that <b><i>if implemented properly</i></b> will offset impacts to wildlife particularly the greater sage grouse and improve habitat during active mining operations.
10/19/2009	DOGM approves ACD's mining and reclamation plan.
11/08/2010	ACD is issued their permit which is a separate document from the MRP. It is issued for a five year term and carries with it terms and conditions that the permittee is obligated to.

Permit conditions that are applicable to the implementation of the protection and enhancement measures included in chapter three and appendices are:

***Sec. 3 COMPLIANCE*** – *"The permittee will comply with the terms and conditions of the permit, all applicable performance standards and requirements of the state program"* and,

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*Permit condition # 6 included in Attachment A Special Conditions which is the vehicle put in place to ensure that the Alton Sage Grouse Habitat Protection plan is properly implemented.*

*It states that: "Satisfactory compliance with the Alton Sage –Grouse Habitat Protection plan is required. Alton Coal Development, LLC will use the best technology currently available to achieve the objectives of the plan in order to minimize the disturbances and adverse impacts to the sage grouse and related habitat and to enhance those resources where practicable. ACD will cooperate with the Division in consultation with state and federal wildlife agencies to develop reasonable practices and methods as are determined to be necessary to implement the plan and to measure success and achieve the goals of the plan".*

- 01/27/2011     Email from Dr. Steven Petersen, **2011 Sage-grouse Habitat and Population Monitoring Plans, Requirements and Strategies, Steven L. Petersen, Ph.D. Sage-grouse Consultant** Excerpts from the 2011 proposals, **Sage-grouse trapping and monitoring**  
Possibly the most important aspect of the sage-grouse conservation program in the Alton area has been to evaluate bird movement patterns and habitat use within the valley as well as in the Hoyts Ranch area which supports the next closest breeding population.
- 02/02/2011     Excerpt from the inspection report, On February 2nd DOGM staff biologist Joe Helfrich met with Kirk Nicholes, Larry Johnson from Alton Coal, Dustin Schaible and Rhett Boswell from DWR, Steven Petersen , consultant for Alton Coal, Kevin Dustin from Wildlife Services and Nile Sorensen from the NRCS. The purpose of the meeting was to discuss Dr. Petersen's proposed Sage grouse work for this year, DWR's UPCD projects for Sage grouse, deer and elk, and Kevin Dustin;s predator control plans for the Sage grouse at the Alton and Hoyt's ranch leks.
- 02/15/2011     Excerpt from the inspection report, The sage grouse mitigation for this year is scheduled to include funding for trapping and monitoring, predator control and connectivity corridor work between Hoyt's ranch and Alton depending on the schedule set by DWR.
- 02/23/2011     Excerpt from the inspection report, This year's sage grouse mitigation efforts are slated to include trapping, radio collaring, predator control and connectivity corridor work as outlined in appendix 3-5 of the MRP and permit condition #6.
- 03/15/2011     Excerpt from the inspection report, The sage grouse trapping program for this season is pending. DWR has requested a short write up of the procedure for monitoring this year from Dr. Petersen. Rhett Boswell from DWR was contacted

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regarding the status of the proposed UPCD project for the connectivity corridor work. Rhett indicated that vegetation treatment activities could be scheduled in the area between Hoyt's ranch and Alton. The permittees sage grouse mitigation plan includes a commitment to establish the connectivity corridor.

03/23/2011 Excerpt from the inspection report, A more detailed monitoring program for 2011 is being reviewed by DWR. The permittee needs to contact Rhett Boswell to determine the Company's level of participation in establishing the connectivity corridor between Hoyt's ranch and Alton. The permittee needs to send a check to the Division of Wildlife Services for this year's predator control.

03/24/2011 DOGM receives a more comprehensive detailed monitoring plan for 2011 that is approved and incorporated on 5/12/2011 in appendix 3-5 of the MRP.

Excerpt from the plan, 2011 **Data Collection**

Birds will be trapped and collared during the 2011 lekking period.

05/10/2011 Excerpt from the inspection report, According to information provided by Rhett Boswell ACD does not intend to develop a connectivity corridor. ACD has not contacted the DWR big game biologist (Dustin Schaible) to present critical migration information to ACD employees. Big game migration activities have resulted in two personal injury accidents to date. ACD has not responded to the Division's request to provide an update on the sage grouse monitoring commitment.

12/05/2011 Excerpt from the inspection report, NOV # 10092 was issued for

Failure to comply with the terms and conditions of the permit, special permit condition #6,

Appendix 3-5 creating a corridor between Hoyt's ranch and south Alton leks in cooperation with the Division of Wildlife Resources,

the approved 2011 sage grouse trapping and monitoring program and the employee awareness program to include representation from the Division of Wildlife Resources.

Special condition #6 is the vehicle the agencies, FWS, DWR and DOGM, use to ensure compliance with and implementation of the protection and enhancement plan in chapter three of the approved MRP.

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Abatement measures include the requirements to:

Submit a revision to appendix 3-5 of the approved MRP by no later than January 6th, 2012 that includes the following:

A detailed sage grouse trapping and monitoring proposal for 2012,

Detailed plans describing the creation of a corridor between Hoyt's ranch and south Alton leks in cooperation with DWR and,

An employee awareness program that includes representation from the Division of Wildlife Resources.

Schedule consultation with representatives from Alton Coal Development, DOGM, DWR and FWS by no later than Feb. 6th 2012 and,

Ensure that revisions to appendix 3-5 are acceptable to participating agencies by no later than Feb. 23rd, 2012.

12/21/2011    The first abatement date is extended to February 6, 2012.